

JANUARY 11, 2008MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS,
EASTERN DIVISION**

THREE ZERO THREE CAPITAL)
PARTNERS, LLC, on behalf of itself and)
303 Energy Trading Alliance, LLC)
)
Plaintiff)
)
v.) No.
)
WILLIAM JAMISON, JR., STEPHEN)
HARPER, JEFFREY ONG and EVERGREEN)
ENERGY CAPITAL, LLC)
)
Defendants.)

**JUDGE MANNING
MAGISTRATE JUDGE KEYS**

NOTICE OF REMOVAL

Defendants William Jamison, Jr., Stephen Harper, Jeffrey Ong and Evergreen Energy Capital, LLC (collectively “defendants”), by their undersigned attorneys, and pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, remove this civil action to this Court from the Circuit Court of Cook County, Illinois, County Department, Law Division. As grounds for removal, defendants state as follows:

1. This action was commenced on December 6, 2007 when plaintiff Three Zero Three Capital Partners, LLC (“Three Zero Three”) filed its Verified Complaint at Law in the Circuit Court of Cook County, Illinois, County Department, Law Division, Case No. 2007 L 013635. A true and correct copy of the Summons and Verified Complaint at Law are attached as Exhibit A.

2. Defendant Evergreen Energy Capital, LLC (“Evergreen”) was served with the Summons and Verified Complaint at Law on December 12, 2007. This notice of removal is filed within thirty days of such service.

3. Defendant William Jamison, Jr. (“Jamison”) was served with the Summons and Verified Complaint at Law on or about December 13, 2007. This notice of removal is filed within thirty days of such service.

4. Defendant Stephen Harper (“Harper”) has not been served with the Summons and Verified Complaint at Law. He received a copy of the Summons and Verified Complaint at Law from William Jamison, Jr.

5. Defendant Jeffrey Ong (“Ong”) has not been served with the Summons and Verified Complaint at Law. He received a copy of the Summons and Verified Complaint at Law served on Evergreen from the attorney associated with Evergreen’s service agent.

6. The Circuit Court of Cook County, Illinois is within the territorial jurisdiction of the United States District Court for the Northern District of Illinois, Eastern Division. *See* 28 U.S.C. § 93(a)(1).

7. This action is removable pursuant to 28 U.S.C. § 1441. As set forth therein, this Court has original jurisdiction of this matter pursuant to 28 U.S.C. § 1332 because there is complete diversity of citizenship between the parties and the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs. None of the defendants in this action are citizens of the State of Illinois.

8. Plaintiff Three Zero Three is an Illinois limited liability company with its principal place of business in Chicago, Illinois. Pursuant to 28 U.S.C. § 1332(c), Three Zero Three is a citizen of Illinois.

9. Defendant Evergreen is a Delaware limited liability company with its principal place of business in the State of Washington. Pursuant to 28 U.S.C. § 1332(c), Evergreen is a citizen of Delaware and Washington.

10. Defendant Jamison is a citizen of the State of Washington.

11. Defendant Harper is a citizen of the State of Washington.

12. Defendant Ong is a citizen of the State of Texas.

13. In its Verified Complaint, Three Zero Three alleges that it entered into a Trading Advisory Agreement with Evergreen in which there was a claw-back provision that allowed Three Zero Three to recapture all or a portion of the incentive allocations and fees paid to Evergreen based on Evergreen's calendar year 2007 trading performance. Three Zero Three further claims that on April 20, 2007, Defendants Jamison, Harper and Ong orally guaranteed any claw-back obligation that Evergreen may have had at the end of 2007. According to Three Zero Three, Defendants Jamison, Harper and Ong breached this oral guaranty when they allegedly failed to reimburse Three Zero Three for Evergreen's alleged claw-back obligation after only two full quarters of performance. Three Zero Three seeks damages in the amount of \$160,723.08. The amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

14. Three Zero Three also alleges that Defendants Jamison, Harper, Ong and Evergreen were unjustly enriched in the amount of \$160,723.08. The amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

15. Three Zero Three also seeks to enforce a line of credit note with Evergreen in the amount of \$62,500 plus interest.

16. This Notice of Removal is filed on behalf of all defendants in this action.

17. Pursuant to 28 U.S.C. § 1446(d), promptly after filing this Notice of Removal, defendants will give written notice of the removal to Three Zero Three and will file a copy of

this Notice of Removal with the Clerk of the Circuit Court of Cook County, Illinois, County Department, Law Division.

Dated: January 11, 2008

Respectfully submitted,

WILLIAM JAMISON, JR., STEPHEN
HARPER, JEFFREY ONG, and
EVERGREEN ENERGY CAPITAL, LLC

/s/ Amy J. Carletti
One of their attorneys

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Chicago, Illinois 60606
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CERTIFICATE OF SERVICE

I, Amy J. Carletti, an attorney, certify that I served a copy of the foregoing Notice of Removal by first class U.S. Mail, postage prepaid, upon:

Patrick T. Stanton
Richard T. Reibman
Schwartz Cooper Chartered
180 N. LaSalle Street, Suite 2700
Chicago, Illinois 60601

on this 11th day of January, 2008.

/s/ Amy J. Carletti

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